

Message

From: Zizila, Frances [Zizila.Frances@epa.gov]
Sent: 6/15/2022 8:12:15 PM
To: MFisher@elminc.com
CC: carley.doyle@law.njoag.gov; Haymes, David [DEP] [David.Haymes@dep.nj.gov]; Wilson, Eric [Wilson.EricJ@epa.gov]; Mellott, Deborah [Mellott.Deborah@epa.gov]; Defeo, Frank [Frank.Defeo@dep.nj.gov]; Abels, Jeanette [Jeanette.Abels@dep.nj.gov]; Mumford, Fred [Fred.Mumford@dep.nj.gov]; Baxter, Pamela [baxter.Pamela@epa.gov]; alphonse.inserra@dep.nj.gov; wayne.howitz@dep.nj.gov; Saghafi, Farnaz [Saghafi.Farnaz@epa.gov]
Subject: RE: Syncon Resins Site PI#019804
Attachments: Farber Consent Decree.PDF

Dear Mr. Fisher,

Your email below was forwarded to me. I am the EPA attorney handling the Syncon Resins Site and have been in correspondence with the DEP and the Town of Kearny on this matter.

As you know, the Syncon Resins Site is a Superfund Site on the National Priorities List (NPL) and both EPA and the DEP have CERCLA authority over the remedial actions and continuing operation and maintenance obligations at the Site. The EPA, DEP and the Town of Kearny all have liens against the properties that comprise the Site (Block 289, Lots 12, 13 and 13.01). In addition, the Site is subject to various civil judgment liens and the attached federal judicial Consent Decree entered into with Benjamin Farber which is binding on his heirs, agents, successors and assigns, including his Estate and shares of the defunct entities of Syncon Resins and Farnow, Inc. The judicial Consent Decree contains enforceable requirements pertaining to the conveyance of the entire Site property (including lots 13 and 13.01 which you reference in your email) which EPA is required to approve and EPA is to receive the proceeds from any sale.

You represent that your client is under contract to purchase the property (Block 289, Lots 13 and 13.01). Please forward to us a copy of the contract and provide us with the contact information for your client's and the seller's attorney.

Thank you,

Frances M. Zizila
Assistant Regional Counsel
EPA Region 2
212.637.3135

From: Mark Fisher <MFisher@elminc.com>
Sent: Thursday, June 9, 2022 07:47 AM
To: Defeo, Frank [DEP] <Frank.Defeo@dep.nj.gov>; Abels, Jeanette [DEP] <Jeanette.Abels@dep.nj.gov>
Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Mumford, Fred [DEP] <Fred.Mumford@dep.nj.gov>; Haymes, David [DEP] <David.Haymes@dep.nj.gov>; Howitz, Wayne [DEP] <Wayne.Howitz@dep.nj.gov>; Inserra, Alphonse [DEP] <Alphonse.Inserra@dep.nj.gov>; Karagias, Louis (LPS) <Louis.Karagias@law.njoag.gov>
Subject: [EXTERNAL] RE: Syncon Resins Site PI#019804

Hi all – as a follow-up to some my prior conversations with several of you, my client is now under contract to purchase this property (Block 289, Lots 13 and 13.01). We are sure when closing will occur but at this point we will be continuing our due diligence for the property. Additionally, my client (contact purchaser) may want to do some interim improvements to site (such as re-surfacing/paving and possible parking of trucks).

We would like to set up a call with the appropriate individuals regarding next steps on our end and discuss any specific requirements from the agencies, and to address any questions you may have. Let me know who on your end should be involved and I will coordinate a time for a call. Thanks Mark

From: Defeo, Frank (DEP) <Frank.Defeo@dep.nj.gov>

Sent: Thursday, April 22, 2021 1:45 PM

To: Mark Fisher <MFisher@elminc.com>; Abels, Jeanette (DEP) <Jeanette.Abels@dep.nj.gov>

Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Mumford, Fred (DEP) <Fred.Mumford@dep.nj.gov>; Haymes, David (DEP) <David.Haymes@dep.nj.gov>; Kratina, Kevin (DEP) <Kevin.Kratina@dep.nj.gov>; Howitz, Wayne (DEP) <Wayne.Howitz@dep.nj.gov>; Inserra, Alphonse (DEP) <Alphonse.Inserra@dep.nj.gov>; Karagias, Louis (LPS) <Louis.Karagias@law.njoag.gov>

Subject: RE: Syncon Resins Site PI#019804

Mark,

Due to our procurement rules, I can't provide any information to you as there may be other interested parties of whom I am not aware. To obtain any further information, I have to refer you to our OPRA office. The link is below.

<https://www.nj.gov/dep/opra/>

Frank A. DeFeo
Assistant Director, Financial Services Element
NJDEP, Site Remediation & Waste Management Program
p 609-633-0763
f 609-633-2360

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NOTE: Nothing in this correspondence affects your potential liability and obligations to the State Trustee, the Department, or its Commissioner regarding natural resource injuries, restoration, or damages.

From: Mark Fisher <MFisher@elminc.com>

Sent: Wednesday, April 21, 2021 5:31 PM

To: Defeo, Frank (DEP) <Frank.Defeo@dep.nj.gov>; Abels, Jeanette (DEP) <Jeanette.Abels@dep.nj.gov>

Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Mumford, Fred (DEP) <Fred.Mumford@dep.nj.gov>; Haymes, David (DEP) <David.Haymes@dep.nj.gov>; Kratina, Kevin (DEP) <Kevin.Kratina@dep.nj.gov>; Howitz, Wayne (DEP) <Wayne.Howitz@dep.nj.gov>; Inserra, Alphonse (DEP) <Alphonse.Inserra@dep.nj.gov>; Karagias, Louis (LPS) <Louis.Karagias@law.njoag.gov>

Subject: [EXTERNAL] RE: Syncon Resins Site PI#019804

Thanks Frank – can you get us some intel on the amounts of the liens by DEP and EPA (just so we have better understanding of how we might try to reach a settlement)? Also, if there are any key documents that you can share with us on the remaining remedial obligations / back up for the O&M, that would be helpful. We are going to go thru the normal channels via OPRA/FIOA to get the project files, but anything you can get to us sooner would be very much appreciated. If you think a quick call with me would be helpful, that would be great. Much appreciated. Mark

From: Defeo, Frank (DEP) <Frank.Defeo@dep.nj.gov>

Sent: Wednesday, April 21, 2021 5:06 PM

To: Mark Fisher <MFisher@elminc.com>; Abels, Jeanette (DEP) <Jeanette.Abels@dep.nj.gov>

Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Mumford, Fred (DEP) <Fred.Mumford@dep.nj.gov>; Haymes, David (DEP) <David.Haymes@dep.nj.gov>; Kratina, Kevin (DEP) <Kevin.Kratina@dep.nj.gov>; Howitz, Wayne (DEP) <Wayne.Howitz@dep.nj.gov>; Inserra, Alphonse (DEP) <Alphonse.Inserra@dep.nj.gov>; Karagias, Louis (LPS) <Louis.Karagias@law.njoag.gov>

Subject: RE: Syncon Resins Site PI#019804

Mark,

DEP, EPA, and the Town of Kearny all have liens against the Syncon property.

Operations and maintenance going forward are projected at about \$410,000 annually. Some sampling will be required as well.

Frank A. DeFeo
Assistant Director, Financial Services Element
NJDEP, Site Remediation & Waste Management Program
p 609-633-0763
f 609-633-2360



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

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NOTE: Nothing in this correspondence affects your potential liability and obligations to the State Trustee, the Department, or its Commissioner regarding natural resource injuries, restoration, or damages.

From: Mark Fisher <MFisher@elminc.com>

Sent: Wednesday, April 14, 2021 8:48 AM

To: Abels, Jeanette [DEP] <Jeanette.Abels@dep.nj.gov>

Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Defeo, Frank [DEP] <Frank.Defeo@dep.nj.gov>; Mumford, Fred [DEP] <Fred.Mumford@dep.nj.gov>

Subject: [EXTERNAL] RE: Syncon Resins Site PI#019804

Jeanette - Thanks again for your time on this site last week.

Frank/Pam – I have client/developer who is very interested in the property. Accordingly, we are looking to get a better understanding of the open issues at the site, including the past costs/possible settlement issues on past agency costs in the event that we want to come into DEP to talk about signing an ACO/Development Agreement. Can you provide that information for me (doesn't need to be exact – just high-level ballpark number so we can decide if this is still something we want to pursue)?

Thanks and let me know if you would like to discuss/I can set up a quick call if you think that is helpful. Mark

From: Abels, Jeanette <Jeanette.Abels@dep.nj.gov>
Sent: Thursday, April 8, 2021 10:25 AM
To: Mark Fisher <MFisher@elminc.com>
Cc: Baxter, Pamela <baxter.Pamela@epa.gov>; Defeo, Frank <Frank.Defeo@dep.nj.gov>; Mumford, Fred <Fred.Mumford@dep.nj.gov>
Subject: FW: Syncon Resins Site PI#019804

As we discussed on the phone this morning, you should contact Frank DeFeo of NJDEP at Frank.Defeo@dep.nj.gov and Pam Baxter of EPA at Pamela.Baxter@epa.gov for information regarding the past costs for the Syncon site. You will also need to contact the Town of Kearny.

I can confirm that the DEP OPRA office is coordinating records reviews at this time.

Please contact me if you need additional information.
Jeanette Abels

From: Mark Fisher <MFisher@elminc.com>
Sent: Thursday, April 8, 2021 7:51 AM
To: Abels, Jeanette <Jeanette.Abels@dep.nj.gov>
Subject: [EXTERNAL] Syncon Resins Site PI#019804

Hi Jeanette – I am working with someone who is interested in the property located at 77 – 89 Jacobus Ave in Kearny. Based upon the info from Dataminer it appears that this is a publicly-funded cleanup site. We are submitting an OPRA request for the DEP files but I was hoping that I could call you to discuss the site at a high level while we wait to access to the files. Let me know if there is good number to reach you (website lists 609-292-4873 but wasn't sure if this still a good number while you are working remotely) or can call contact me (best way is via cell (609) 577-3974 or email). Thanks in advance for your assistance. Mark

	<p>MARK D. FISHER, CHMM, LSRP Managing Partner The ELM Group, Inc. 345 Wall Street Research Park Princeton NJ 08540 Tel 609.683.4848 Ext.222 Cell 609.577.3974 MFisher@elminc.com www.ExploreELM.com</p>
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